<u>REMARKS</u>

Claims 1-38 are currently pending in the subject application and are presently under consideration. Claims 1, 18, 19, 21, 25, 28, and 34 have been amended as shown at pages 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Examiner's Note Regarding 35 U.S.C §116 6th paragraph

Examiner asserts that the only means cited in the specification are hardware. On the contrary, the specification clearly describes components that are either hardware, a combination of hardware and software, software, or software in execution (*See e.g.*, page 4, line 24 - page 5, line 8; page 12, line 18 – page 15, line 14. As such, the Examiner's assertion is improper.

I.   Objection of Claims 2-23 Under 37 CFR 1.75(c)

Claims 2-23 stands objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 1 has been amended to correct any deficiencies relating to this objection. Therefore, this objection should be withdrawn.

II.   Objection of Claim 24 Under 37 CFR 1.75(c)

Claim 24 stands objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 24 has been cancelled. Hence, this objection should be withdrawn.

III.   Rejection of Claim 21 Under 35 U.S.C §112

Claim 21 stands rejected under 35 U.S.C §112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 21 has been amended to correct any deficiencies relating to this rejection. Therefore, this rejection should be withdrawn.

IV.   Rejection of Claim 18 Under 35 U.S.C §112

Claim 18 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 has been amended to correct any deficiencies relating to this rejection. As such, this rejection should be withdrawn.

V.   Rejection of Claims 1-5, 10-14, 20, 21, 24 and 25 Under 35 U.S.C. §102(b)

Claims 1-5, 10-14, 20, 21, 24 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Cowart (Mastering Windows 95). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart does not teach each and every element of the subject invention as recited in the subject claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the … claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject claims relate to controlling display of grouped items as a single group icon or individual icons. A property can be assigned to the group that determines how the items within the group are displayed when viewed from outside of the group. For example, a group can be assigned an unpacked property that causes the individuals items within the group to be displayed as individual items when viewed from outside the group. On the other hand a group can be assigned a packed property that causes the individuals items within the group to be displayed as a single display item when viewed from outside the group. In particular, independent claim 1 (and similarly independent claim 25) recites *a sorting component to determine categories relating to one or more items for display; and a cluster component that groups the categories according to discretized states in order to control visible output to the display,* **wherein the states include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each**

item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories.

Cowart does not teach or suggest the aforementioned novel features as recited in the subject claims. The cited reference is silent regarding discretized states that control visible display of the grouped data items. Cowart discloses the traditional hierarchical folder display, where items are only displayed when the folder that contains the items is selected. The subject claims would allow items within a sub-folder to be displayed as individual items when a higher level folder is selected if the sub-folder was given the unpacked state. Therefore, Cowart fails to teach or suggest states that include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories.

In view of the foregoing, applicants' representative respectfully submits that Cowart fails to teach or suggest all limitations of independent claims 1, and 25 (and claims 1-5, 10-14, 20, 21 and 24 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

VI.   Rejection of Claims 34-37 Under 35 U.S.C. §102(b)

Claims 34-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hasegawa, *et al.* (US 6,513,038). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Hasegawa, *et al.* does not teach each and every element of the subject invention as recited in the subject claims.

Independent claim 34 recites *a first data field related to at least one group property associated with a subset of data items for display,* ***wherein the group property includes at least a packed state that causes data items in the subset to be displayed as a single icon when viewed from outside of the subset and an unpacked state that causes each data item in the subset to be displayed as an individual icon when viewed from outside of the subset.***

Hasegawa, *et al.*, like Cowart, does not teach or suggest the aforementioned novel features as recited in the subject claims. The cited reference is also silent regarding discretized states that control visible display of the grouped data items. Hasegawa, *et al.* discloses virtual hierarchical file structure that employs database view technology to construct application

specific directory structures. The customized directory structure is displayed in a traditional hierarchical tree structure that is navigable up or down. The cited reference fails to disclose packed and unpacked states as taught in the subject claim. Therefore, Hasegawa, *et al*. fails to teach or suggest states that include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories.

In view of the foregoing, applicants' representative respectfully submits that Hasegawa, *et al*. fails to teach or suggest all limitations of independent claim 34 (and claims 35-37 that depend there from), and thus fails to anticipate the subject claims. For this reason, withdrawal of this rejection is respectfully requested.

VII.   Rejection of Claims 6, 15, 22, 23, 26 and 27 Under 35 U.S.C. §103(a)

Claims 6, 15, 22, 23, 26 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart (Mastering Windows 95). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart does not teach each and every element of the subject invention as recited in the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 6, 15, 21, 22, 23, 26 and 27 depend from independent claims 1 and 25. As noted *supra*, Cowart does not teach or suggest **states include at least a packed state that causes items**

in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories as recited in independent claim 1 (and similarly independent claim 25).

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart fails to teach or suggest all limitations of applicant's invention as recited in independent claims 1 and 28 (and claims 6, 15, 21, 22, 23, 26 and 27 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Thus, withdrawal of this rejection is respectfully requested.

VIII. Rejection of Claims 28-31 and 38 Under 35 U.S.C. §103(a)

Claims 28-31 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, *et al.* (US 6,513,038). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Hasegawa, *et al.* does not teach each and every element of the subject invention as recited in the subject claims.

Independent claim 28 (similar to independent claim 34 recites) recites *determining* *packed or unpacked states for a collection of data items; grouping the data items according to the determined states; displaying items that have been grouped and are associated with packed states as a single item in the display when viewed from outside of the group; displaying items that are grouped and are associated with unpacked states as individual items in the display when viewed from outside of the group*. Claim 38 depends from independent claim 34. As discussed above, Hasegawa, *et al.* fails to teach or suggest a packed state that causes items in the grouped and have a packed state to be displayed as a single item when viewed from outside of the group and an unpacked state that causes each item in the group to be displayed as an individual icon when viewed from outside of the group.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Hasegawa, *et al.* fails to teach or suggest all limitations of applicant's invention as recited in independent claims 28 and 34 (and claims 29-31 and 38 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. As such, withdrawal of this rejection is respectfully requested.

IX.   Rejection of Claims 7, 8 and 16-19 Under 35 U.S.C. §103(a)

Claims 7, 8 and 16-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Hasegawa, *et al.* (US 6,513,038). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart and Hasegawa, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Claims 7, 8 and 16-19 depend from independent claim 1. As noted *supra*, Cowart does not teach or suggest ***states include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories*** as recited in independent claim 1. Furthermore, Hasegawa, *et al.* fails to teach these novel features as discussed above in relation to the similar limitations of independent claims 28 and 34.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart and Hasegawa, *et al.*, alone or in combination fails to teach or suggest all limitations of applicant's invention as recited in independent claim 1 (and claims 7, 8 and 16-19 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

X.   Rejection of Claim 9 Under 35 U.S.C. §103(a)

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Hasegawa, *et al.* (US 6,513,038) in further view of Newman, *et al.* (US 2004/0139231 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart and Hasegawa, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Claim 9 depends from independent claim 1. As noted *supra*, Cowart and Hasegawa, *et al.* do not teach or suggest ***states include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories*** as recited in independent claim 1. Furthermore, Newman, *et al.* fails to make up for the aforementioned

deficiencies of these cited references with respect to independent claim 1. The cited reference discloses a system that allows for the exchange of contextual information between devices. The system also allows a display from a mobile device to be rendered on a desktop through a network connection. However, Newman, *et al.* is silent regarding a packed state and an unpacked state that controls display of items as disclosed in the subject claims..

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart, Hasegawa, *et al.*, and Newman, *et al.*, alone or in combination fails to teach or suggest all limitations of applicant's invention as recited in independent claim 1 (and claim 9 that respectfully depends there from), and thus fails to make obvious the subject claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

XI.   Rejection of Claims 32 and 33 Under 35 U.S.C. §103(a)

Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, *et al.* (US 6,513,038) in view of Cowart (Mastering Windows 95). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart and Hasegawa, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Claims 32 and 33 depend from independent claim 28. As noted *supra*, Hasegawa, *et al.* does not teach or suggest *determining **packed or unpacked states for a collection of data items;** grouping the data items according to the determined states; **displaying items that have been grouped and are associated with packed states as a single item in the display when viewed from outside of the group; displaying items that are grouped and are associated with unpacked states as individual items in the display when viewed from outside of the group** as recited in independent claim 28. Furthermore, Cowart fails to teach these novel features as discussed above in relation to the similar limitations of independent claims 1, 25, and 34.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart and Hasegawa, *et al.*, alone or in combination fails to teach or suggest all limitations of applicant's invention as recited in independent claim 1 (and claims 7, 8 and 16-19 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP532US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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